REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

Status of Claims

Claims **1-27** are pending.

Claims **1-27** have been rejected.

Claims **1**, **9** and **19** have been amended. In particular, claim **1** was amended by adding: (i) "wherein the first path comprises a video pump coupled to a data acquisition unit" in line 3; (ii) "that comprises data structures that assist in constructing non-live media streams;" in line 7; (iii) "online" - in line 9; and (iv) " the video pump and a media server being coupled to each other by" – in line 12. Claims **9** and **19** were amended in a similar manner.

Claims **2** and **10** have been canceled without prejudice or disclaimer. In making this cancellation without prejudice, Applicants reserve all rights in these claims to file divisional and/or continuation patent applications.

Applicants respectfully assert that the amendments to the claims add no new matter.

CLAIM REJECTIONS

35 U.S.C. § 101 Rejections

In the Office action, the Examiner rejected claims **1-8, 9-15** and **19-27** under 35 U.S.C. § 101. Applicants have amended independent claims **1, 9** and **19** so as to tie the methods to devices. Accordingly, Applicants respectfully request that the rejection of independent claims **1, 9** and **19** and claims **2-8, 10-15** and **20-27,** depend thereon, under 35 U.S.C. § 101 be withdrawn.

35 U.S.C. § 103 Rejections

In the Office action, the Examiner rejected claims **1-21, 23-25,** and **27** under 35 U.S.C. § 103(a), as being unpatentable over Gordon et al., in view of Cho et al. (US Patent Application Publication No. 2003/0093802). Applicants respectfully traverse the rejection of claims **1-21, 23-25,** and **27** under the Gordon reference in view of the Cho reference.

The Gordon reference describes a broadcast stream and a non real time stream that are provided by using **only one path**. Both types of streams are provided through a path that includes: an information server 108 and a video session manager 122, coupled to each other through a data path 116. Note that **both** information server 108 and video manager 122 are **always involved** in the transmission of the two types of streams.

The Gordon reference does not teach: "receiving live media streams at **a first path,** wherein the first path **comprises a video pump coupled to a data acquisition unit;**" and "providing the non-live media stream from **a second path** to the client, wherein the second path **comprises the video pump and a media server** being coupled to each other by a network link that differs from a network link of the first path" and clearly, the media server is not involved in the providing of live media streams: "providing a live media stream from **the first path** to a client..."– as recited by amended claims **1** and **19** (and claim **9** that was amended in a similar manner).

The Cho reference teaches only non real time streams (Video On Demand) and does not deal with a bandwidth consuming broadcast streams as in the Gordon reference and the

present application. The Cho reference teaches two channels: a regular and a patch channel, both channels are used for Video On Demand, wherein the patch channel is used for buffering a delta of the VOD stream that is not available on the regular channel. The two channels exist only between the video server and the client site. Referring to figure 3 of the Cho reference, note that unlike the media server of the present application, the video server of the Cho reference is always involved. Further more, the two channels of the Cho reference reside at the edge of the network (terminated at the client side) wherein the two paths of the present application reside at the center of the network. This can be learned from claims **1, 9** and **19** that describe the types of machines involved in each path: "the first path comprises a **video pump** coupled to a **data acquisition unit**..." and "the second path comprises the **video pump** and a **media server**". These types of machines usually reside at a provider site and not at a user site.

The Gordon reference does not teach "retrieving media related information that comprises data structures that assist in constructing non-live media streams;" and **"online** generating a non-live media stream, by utilizing the media related information, in response to a request to provide the non-live media stream to a client".

The Examiner compares the "media related information" of the present application to the subscriber requests for interactive menus and data streams, that is described in the Gordon reference. The Applicants amended claims **1, 9** and **19** as to clarify that the media related information is information that is related to the constructing and the generating of the non-live media stream, rather than control-messages sent by the subscriber device of the Gordon reference. The Applicants further attached the term "online" to the "generating a non-live media stream" as to further clarify that the generation of the non-live media streams is done only upon a request of a user. The Gordon reference, on the other hand, describes storing in advance, a play stream, a fast forward stream and a fast reverse stream and then only **recall** the fast reverse (or forward) stream associated with the broadcast bitstream and send, the fast reverse stream to the requesting subscriber. Gordon means, by the term "recall": retrieving a fast forward/backward that was **previously prepared** by the time the real-time stream arrived, see column 2 lines 27-32.

As per claim **16**, the Gordon reference does not teach "a video pump interface, coupled to the output of the acquisition unit **via a first path**, to the media storage and management entity **via a second path**". The Examiner compares the media storage and management entity of the current application to data storage 114 and network manager 142 described in the Gordon application. The Examiner further compares the video pump interface of the present application to video session manager 122 described by the Gordon reference. Claim 16 clearly recites that the video pump interface is coupled to the media storage and management entity via a second path. The Examiner compares the second path to back channel 134 described by the Gordon reference, however the back channel 134 does not connect the video session manager 122 to data storage 114 and network manager 142. Channel 134 connects the video session manager to the cable transport system.

The Gordon reference does not teach "a video pump that is operable to determine… when to transmit it according to MPEG timing". MPEG timing is information associated with the frames of the media stream (see paragraph [70] of the present application) and is different than the timing in which the subscriber of the Gordon reference elects to review.

Nor the Gordon reference alone neither the combination of the Gordon reference and the Cho reference teach or suggest all the limitations of independent claims **1, 9, 16** and **25**, therefore, independent claims **1, 9, 16** and **25** should be allowable. Claims **2-8, 10-15, 17-21, 23-25** and **27** depend directly or indirectly from claims **1, 9, 16** and **25** and therefore include all the limitations of these claims. Therefore, Applicants respectfully assert that claims **2-8, 10-15, 17-21, 23-25** and **27** are likewise allowable. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections to amended independent claims **1, 9, 16** and **25** and to claims **2-8, 10-15, 17-21, 23-25** and **27** dependent thereon.

In the Office action, the Examiner rejected claims **22** and **26** under 35 U.S.C. § 103(a), as being unpatentable over Gordon et al., in view of Cho et al. and further in view of Zimmermann et al. (US Patent Application Publication No. 2003/0161302. Applicants respectfully traverse the rejection of claims **22** and **26** under the Gordon reference in view of the Cho reference and further in view of the Zimmermann reference.

The Zimmermann reference does not amend the deficiencies of the Gordon and Cho references, as discussed in relation to claims **1** and **16**.

Claims **22** and **26** depend from, directly or indirectly, claims **1** and **16** that were discussed above, and therefore include all the limitations of these claims. Therefore, Applicants respectfully assert that claims **22** and **26** are likewise allowable. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections to claims **22** and **26**.
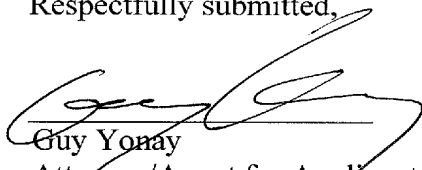
Conclusion

In view of the foregoing amendments and remarks, Applicants assert that the pending claims are allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,

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